

Massachusetts OHV Advisory Committee Meeting Minutes

Meeting name	OHV Advisory Committee Meeting (7)		
Date	3-7-12	Time	11:00 AM – 3:00 PM
Location	Division of Fisheries and Wildlife Headquarters, Westborough, MA	Meeting host	Stephanie Cooper, EEA
Attendees			
Stephanie Cooper (EEA)	Randy Toth	Ken Anderson	Lt. Merri Walker (OLE)
Priscilla Chapman	Briere, Gary (DCR)	Celia Riechel (EEA)	Chief Ernest Horn
Tad Ames	Dan D'Arcy	Chris Mossman	Sharon Jordan
Chris Baker (OLE)	Katie Kearney		
Absentees			
Colleen McGuire		Chris Burton	Peter Masiokas

Synopsis of items discussed

1. Welcome and introductions.

2. Education and outreach efforts. Guest: Katie Kearney

Background of the OHV law: the bill was developed with the help of doctors at Mass General Hospital who regularly saw child victims from OHV incidents. The law passed at the same time as those prohibiting texting while driving and addressing concussions in children. There has been a lot of effective outreach around those laws, raising public awareness. There has not been a similar level of outreach for the OHV law, and the general public remains relatively unaware of it. Outreach opportunities at OHV stores, pediatricians' offices, hospitals, police departments, etc. are often missed. Mrs. Kearney, whose son was killed in an OHV accident, would like to get involved to help make information about OHV safety and the law more broadly available, to ensure the new law is successful. It was discussed whether Mrs. Kearney could join the Advisory Committee as a representative of public health or child safety.

The committee discussed how to improve public outreach to ensure that both the riding and non-riding communities understand the OHV law. Pamphlets, films, and school presentations would be most effective if done under the auspices of the government. Outreach should target parents as well as children.

A 2009 study estimated that approximately 90,000-100,000 households owned OHVs, but committee members would like to see updated information about OHV

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ownership. It was suggested that ownership may be down from 2009, or that the majority of OHVs are unregistered.

It was proposed that the committee create a sub-committee on education and communication to discuss the details, develop outreach objectives and plans. The following members volunteered to be part of the sub-committee: Sharon Jordan (chair), Katie Kearney, Priscilla Chapman, Ken Anderson, and Lt. Merri Walker (OLE).

Several outreach ideas were discussed, including:

- Developing a public service announcement to be aired on TV
- Requiring individuals who purchase OHVs to sign a document declaring that they will not permit a person under the age of 16 to ride the OHV.
- Encouraging OHV dealers to provide information about safety that is specific to MA (some do provide general information from the manufacturer). Section 308 requires dealers to provide information provided by OLE, but OLE has not given them anything.
- OHVs are not toys public announcement campaign
- Flier mailed with OHV registration

The sub-committee will consider various outreach options and report back at the next meeting.

Lt. Merri Walker distributed copies of the draft Handbook of Mass. OHV Laws to the committee for their review and feedback. The committee discussed the importance of getting dealer "buy-in" to enforce the OHV law and proactively give out information. Posters may be harder to ignore than pamphlets.

Three major issues that must be addressed to make sure the law is effective were discussed: 1. dealerships and points of sale; 2. repeat offenders/scofflaws; and 3. downstream awareness in courts and hospitals. A committee member commented that most repeat offenders are cited for reckless operation of the vehicle— fines should increase with more citations followed by an eventual confiscation of the vehicle. To build on this idea of increased penalties, if an operator is underage, child endangerment could be pursued. Outreach to courts would ensure more regular enforcement of the law, and appropriate allocation of revenue generated from fines. Outreach to hospitals would encourage reporting of OHV accidents—even major accidents go unreported to OLE, making current injury statistics inaccurate. Department of Public Health may have better statistics. Unlike boating accidents, local police departments are not required to report OHV accidents.

3. Remote Participation Update.

The Open Meeting Law states that even if some form of remote participation is permitted, it cannot be for all members, and there must still be a physical meeting between committee members. Last time the committee voted to allow remote

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participation with restrictions—ie only when members cannot attend due to legitimate emergency or unforeseen reasons. It was discussed that public health advocates played an important role in getting the law passed, but have subsequently been less active in the committee. Although the public health appointee to the committee has not been able to attend recent meetings, DPH has offered to provide updated statistics related to safety, and support the committee in other ways. There was discussion about potentially formally appointing a replacement for Lewis Howe, the DPH representative on the committee. Stephanie Cooper will look into this.

4. Regulations. Chris Baker, Office of Law Enforcement

OLE is attempting to clarify the previously discussed issue of children under 14 years old operating snowmobiles to more properly reflect the intent of the law. The state has a group working on this issue, but it has not decided if it will revise regulations. The group also may be waiting to see if new legislation is coming that would require regulations revisions. The OHV law required immediate action to update the OHV regulations (the process recently completed), but the legislature needs to clarify other aspects of the law. Things that are in the legislation must be incorporated into the regulations.

The committee discussed some of the proposed changes to the regulations, including:

- breaking up regulations into vehicle categories such as RUV, ATV, dirt bikes, snowmobiles, 8 other OHV types. Each type would have clear information on age and supervision.
- Sanctioned events. Sect. 13.26(a)(1) allows children aged 10-14 to ride as part of or in preparation of a sanctioned event. It is difficult to prove or disprove that they are preparing for an event, making enforcement challenging. OLE officers cannot write bad citations that would be easily disproved in court, damaging OLE credibility with the courts. It prioritizes ensuring that a rider is operating safely, their OHV is registered, and they have adult supervision. Why not have event organizers offer training rides before the race? Sanctioned events are fairly common for dirtbikes, much less so for ATVs, and very rare or nonexistent for snowmobiles.
- Authorization by municipal authority. Not clear whether it is the municipality in which the event will take place, or which entity of the town (police, fire, public health, etc).
- Clarification on the role of landowner permission when riding on private land.
- Requirements for children aged 10 – 14 riding snowmobiles don't align well with established practice and the kind of riding snowmobilers do (ie, cross-country touring with parents rather than riding around a single property).
- Definitions of public and private land
- Whether children aged 10-11 years may ride on others' private property or just

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the property on which they live

- Property boundary marking (or lack thereof)
- Parental permission for children to ride OHVs (did not make it into final version of the law)

Very few people beyond the Committee and law enforcement officers may actually read the regulations. Part of the committee's role should be to help make compliance and learning about the program easier for the average member of the public.

Discussion of training opportunities for children. The ATV community does not offer many sanctioned events for younger children. Other entities other than OLE can offer the training course, so long as they are approved. The ATV Safety Institute could potentially play this role, but they have not yet sought to do so.

OLE is considering producing durable plastic ID cards for registered riders. They are aware of some of the problems associated with the new vehicle registration decals, but they are mandated by the legislation so OLE cannot simply replace them with registration plates—they have to adhere to the established protocol and legislative process. The group discussed that ideally, the OLE director would have the discretion to use either plates or decals, as best suited for each type of OHV. There may be an opportunity to include this in pending legislation and the Committee discussed submitting comments to the legislature.

5. OHV Fund Update.

See handout.

For the 2011 Fiscal Year, \$762,164 was collected from registration fees only—the amount may increase once fines come through. Some purchases (especially equipment, such as barriers) that were approved in FY11 may not have actually been spent then, so will show up in FY12. OLE is still working with A&F to ensure that courts send fine revenues back to the OHV fund. The exact amount of money collected from fines is difficult to estimate because there is uncertainty regarding how citations are to be adjudicated. Only data on citations issued by OLE are available—local police departments generally don't track or report OHV citations they issue. OHV enforcement is also probably not a high priority for local police departments, but demonstrating that this could be a source of revenue may encourage greater enforcement by local police departments.

Total revenue estimate is revised down based on last few months for various reasons, ranging from weather conditions to the economy. Revenue is expected to be between \$620,000 and \$660,000. So far for the 2012 fiscal year, \$321,000 has been approved for OLE and \$140,000 has been spent.

Discussion on the seasonal OHV-focused DCR rangers at Pittsfield and October Mountain State Forests. The rangers have gathered information about the numbers

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of riders and vehicles, which show a steady reduction in OHV users. This will help analysis of the benefits and operational costs of providing this recreational opportunity.

The Committee discussed whether rangers are able to count all the OHV users, some of whom may enter the Forest through informal or illegal access points. Pittsfield SF requires riders to get a permit, so this may be less of an issue there.

It was previously discussed that the Committee recommended reserving about \$100,000 in OHV Program funds to restore a section of the Skyline Trail in Pittsfield SF as a demonstration of what can be done to improve OHV trails. Gary Briere will arrange for the Committee or a sub-group to see the trails both before and after the work is completed. This should help the Committee decide what kinds of trail system is desired, and the associated costs.

There are some ongoing costs associated with running the OHV program, including clerical staff, printing, ID machines, and staff to do training. As of now, about \$500,000 has been spent on OHV supplies, equipment, etc. No new OLE staff have been hired, and the challenges of achieving OHV objectives with current staffing levels was noted.

Because the program has just started, much of the revenue generated has gone into establishing an entire system to manage an activity that was previously totally unmanaged. The group discussed that riders want to see benefits from their registration payments, and now that things are getting up and running, there can be a shift towards spending more on providing riding opportunities.

Next steps/action items

1. Sub-committee on education and outreach
2. Potential replacement of uninvolved Committee members to ensure adequate representation of all parties and stakeholders
3. Site visit to Skyline Trail in Pittsfield State Forest
4. Pending OHV legislation – possible opportunity to introduce discretion in use of plates or decals for different vehicle types

Previous meeting date	Dec. 7, 2011
Next meeting date	June 13, 2012 11:00am – 3:00pm
Next meeting location	Pittsfield, MA